

Procedures and Guidelines to Appoint a Noncertified Interpreter in Criminal and Juvenile Delinquency Proceedings (Designated Languages)¹

The court is required to appoint a certified interpreter to interpret a language designated by the Judicial Council (*Gov. Code*, § 68561). The court may appoint a noncertified interpreter *if* the court (1) on the record finds good cause to appoint a noncertified interpreter and finds 68561(c), 68564(d), (e); *Cal. Rules of Court*, rule 984.2).

The following procedures are applicable in criminal proceedings and juvenile delinquency proceedings under Welfare and Institutions Code section 602 et seq.

STEP ONE: The proposed interpreter

- A. Completes and signs under oath the form *Qualifications of a Noncertified Interpreter* (form IN-110).
- B. Files the form with the court administrator.
- C. Renews the declaration of *Qualifications of a Noncertified Interpreter* after six months.

STEP TWO: The court administrator or designee²

- A. Reviews the proposed interpreter's declaration of *Qualifications of a Noncertified Interpreter*.
- B. Submits the proposed interpreter's declaration of *Qualifications of a Noncertified Interpreter* to the presiding judge.
- C. Sends a current copy of the *Qualifications of a Noncertified Interpreter* (signed by the presiding judge within the past six months) to the courtroom.
- D. Informs the presiding judge (form IN-110) whether the proposed interpreter is within or beyond the maximum provisional-qualification period allowed by California Rules of Court, rule 984.2(c).
- E. On the day of the proceeding, completes, signs, and files with the court a *Certification of Unavailability of Certified Interpreters* (form IN-120).
- F. Continues his or her efforts to obtain a certified interpreter for the proceeding.

STEP THREE: The presiding judge or judicial designee

- A. Reviews the declaration of *Qualifications of a Noncertified Interpreter*.
- B. May examine the proposed interpreter on his or her qualifications and may require additional information and documentation.
- C. Signs the six-month *Finding of Provisional Qualification and Order of the Presiding Judge* (form IN-110, page four), if the presiding judge finds the proposed interpreter to be provisionally qualified to interpret in the court in the language specified in the order.
- D. Renews the *Finding of Provisional Qualification and Order of the Presiding Judge* after six months, *if* the interpreter remains uncertified and provisionally qualified.
- E. Makes a finding of Court, rule 984.2(c) (see form IN-110, page four).

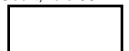
STEP FOUR: Judge at the proceeding

- A. May review the *Qualifications of a Noncertified Interpreter* (form IN-110) of the proposed interpreter.
- B. May examine the proposed interpreter on his or her qualifications to interpret in the proceeding and may require additional information and documentation.
- C. Makes a finding on the record that good cause exists to use the noncertified interpreter.

¹ The languages designated by the Judicial Council under Government Code section 68562 are Arabic, Cantonese, Japanese, Korean, Portuguese, Spanish, Tagalog, and Vietnamese.

² Person who is responsible for assigning interpreters to a court.

(Continued on reverse)



STEP FOUR: Judge at the proceeding (*cont'd*)

- D. (*If applicable*) Finds interpreter who has exceeded the provisional-qualification periods allowed by rule 984.2(c).
- E. Finds on the record that the proposed interpreter is qualified to interpret the proceeding.
- F. (*OR*) Continues the proceeding until a certified or a better-qualified interpreter is available.
- G. Informs the parties on the record that the proposed interpreter is not certified.
- H. May request a stipulation or waiver from the parties on the record to the appointment of the noncertified interpreter.
- I. Rules on any objection to the appointment of the noncertified interpreter.
- J. Appoints the proposed noncertified interpreter to interpret in the proceeding, and may appoint the interpreter to remain in the proceeding on subsequent days.

STEP FIVE: Courtroom clerk

- A. Retains in the courtroom the *Qualifications of a Noncertified Interpreter* of the interpreter.
- B. Records in the docket or minute order the information required by California Rules of Court, rule 984.2(e)(2):
- (1) The name of the interpreter.
 - (2) The language to be interpreted.
 - (3) The fact that the interpreter was administered the interpreter's oath.
 - (4) The fact that the interpreter is not certified to interpret in the language to be interpreted.
 - (5) Whether a *Certification of Unavailability of Certified Interpreters* for the language to be interpreted is on file for this date with the court administrator.
 - (6) The court's finding that good cause exists for the court to appoint a noncertified interpreter.
 - (7) The court's finding that the interpreter is qualified to interpret in the proceeding.
 - (8) If applicable, the court's finding under rule 984.2(c)(2) that good cause exists for the court to use a noncertified interpreter beyond the time allowed in rule 984.2(c).
 - (9) If applicable, the objection or waiver of the defendant or minor under rule 984.2(d).

INSTRUCTIONS FOR THE COURT'S FINDING OF GOOD CAUSE and APPOINTMENT OF NONCERTIFIED INTERPRETER

Before the court appoints a noncertified interpreter for a designated language, the court must make a good-cause finding on the record at the beginning of the proceeding (*Gov. Code, § 68561(c)*). The appointment and finding below states the elements required.

- The court appoints the noncertified interpreter to interpret the stated language in the proceeding on today's date. (*At the discretion of the court, this interpreter may remain on a particular matter begun on today's date.*)
- The court finds good cause to appoint the interpreter based on the certification of the interpreter coordinator of his or her efforts to obtain an interpreter and that a certified court interpreter is not available. The coordinator's certification is on file.
- The qualifications court finds the court administrator, and (*optional*) (3) this court's examination in this proceeding of the interpreter.
- The appointed interpreter (*choose one*):
 - has **not** been appointed by any trial court beyond the period specified in California Rules of Court, rule 984.2(c) —OR—
 - has been appointed by a trial court beyond the period specified in California Rules of Court, rule 984.2(c), and the court finds good cause exists under rule 984.2(c)(2) to continue using the interpreter.